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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,330	01/25/2001	Atsushi Kashihara	862.C2095	3931
5514	7590	06/28/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				QIN, YIXING
ART UNIT		PAPER NUMBER		
				2625

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/768,330	KASHIHARA, ATSUSHI	
	Examiner	Art Unit	
	Yixing Qin	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 March 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,5-20 and 22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3,5-20 and 22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 01 January 0125 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 3/15/06, all requested changes have been entered.

Response to Arguments

The main argument is that the Fan reference does not teach the newly amended claims which now cite that a judging of whether image data represents a particular image does not have to take place if the resolution of the image data is low or does not represent an image. The Examiner agrees with this fact, but would still like to note the importance in the Fan reference that Fan recognizes that the resolution of an image has a great effect on the likelihood of whether an image can be used for counterfeiting. That is why Fan tests an image at a low resolution and only uses a high resolution as final verification. However, Inoue et al (U.S. Patent No. 6,144,835) discloses in Fig. 10 a method of determining if counterfeiting occurring only if an image is to be printed in full color – i.e. the image data can be interpreted to have a greater resolution or quality if printed in full color as opposed to monochrome. Higher resolution an image can be interpreted as having greater amount of information or bits, and one skilled in the art knows that a colored image is represented using more bits than a monochrome image. Claims 1, 3, 5-18, 19, and 22 have 112 issues that needs to be fixed. The Examiner will still address claim 20 with art, which includes the newly amended lines that the Attorney wishes for further consideration. Please see the rejection below for more detail.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 5-18, 19, and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 19 and 22 cite in the first limitation that "... wherein the print information includes at least an attribute of image" The next limitation identifies that the image data is indicated by this print information. The newly added lines of the fourth limitation says "...if it is judged at said object image judgment step either that said image data has a resolution less than the predetermined resolution or that said attribute does not represent an image, not judging whether or not said image data represents the particular image; and" If the print information includes at least an attribute of image, it means it must contain an image. This is a direct conflict with the newly added lines. It is impossible to have an attribute of image and have the attribute not represent an image. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- I. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by (

1. **Claim 20**

Inuoe discloses an image processing apparatus comprising :

input means for inputting image data; (Fig. 1, item 100 performs scanning)

The Inuoe reference discloses a method for the prevention of counterfeiting bills.

It does not explicitly disclose judgment means for, if said image data inputted by said input means has a resolution equal or higher than a predetermined resolution and said attribute represents an image, judging whether or not said image data represents a particular image, and, if said image data inputted by said input means has a resolution less than the predetermined resolution or that said attribute does not represent an image, not judging whether or not said image data represents the particular image; and.

However, Fig. 10 discloses either an image has a high enough resolution or quality – i.e. printed in full color – or does not – i.e. printed in monochrome. One can see that no bill/counterfeit detection is performed when printing in monochrome because the probability of one mistaking a monochrome image produced as a bill is negligible.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used full or monochrome color as a way to decide whether judgment is really necessary for counterfeit detection

The motivation would have been to save time by disregarding copied items which have a negligible probability of being misinterpreted for bills or the like.

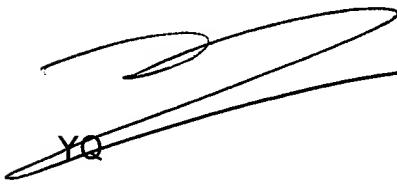
Inoue discloses image processing means for, if it is judged that said image represents the particular image, performing predetermined processing. (Fig. 10, item S105 – a message is displayed if a bill is determined)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Twyler M. Lamb
Supervisory Patent Examiner